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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,366	05/11/1999	MICHAEL R. BANDEMER	BRUNOM.002A	7404

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/309,366

Applicant(s)

BANDEMER, MICHAEL R.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 19-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____


SAM RIMELL
PRIMARY EXAMINER

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10-11, 19, 21-27 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawamura et al. ('444).

Claim 1: FIG. 4 of Kawamura et al. disclose an attribute table which is part of an attribute database. The attribute table is linked to a map database containing two dimensional maps and an object data base containing representations of three dimensional objects (FIG. 2).

As seen in FIG. 4, an ^{door code} object identifier (Resident ID) is provided which is linked to the ^{door} two dimensional map and three dimensional objects. An item of observational information (name of owner) is also related to the maps and objects. Any information in the maps or objects can be read as "defect information", ~~since the information is used for facility inspections (col. 1, line 16), and facility inspections are for the express purpose of detecting facility defects. An~~ observational identifier (Residence Number) is assigned to each line of observational information. The object identifier uniquely identifies a map, such as the map of FIG. 8, since the object identifier will be unique to that map. The object identifier also uniquely identifies a file, such as the file "RDB001" in FIG. 4, since the object identifier only appears once in the file, thus uniquely identifying the file. As seen in FIGS. 5, 6, and 10, the residence numbers are annotated on the maps. For example, the code "AB" is annotated on each of the maps in FIGS. 5, 6, and 10. This derives from the code "AB" that forms part of the Residence Number in FIG. 4.

The object identifiers (Residence IDs) and observational identifiers (Residence Numbers) are associated in the computer by the use of the table in FIG. 4.

Claim 2: Selecting specific lines of observational information will lead to the display of specific maps and physical objects (FIG. 8).

Claim 3: Since the observational information is stored in memory, it can be displayed.

Claim 4: The house layout data item in FIG. 4 reads as a defect code, lacking any further definition of what a defect code actually describes.

Claim 5: The physical object is both the map and physical representation of a building.

Claim 6: Any set of numbers can correspond to a bar code. Thus, the numbers that correspond to the object identifier (Resident ID) can be considered a bar code number.

Claim 7: The graphical representation can be a floor plan schematic (FIG. 6, FIG. 8).

Claim 10: As seen in FIGS. 5, 6 and 10, the observational identifier can appear on the graphical representations of the building.

Claim 11: The object identifiers and observational identifiers are stored are stored in tables which form part of a relational database.

Claim 19: See remarks for claim 1. The data contained in the table of FIG. 4, which includes observational information can be displayed. Annotated graphical representations (FIG. 8) can also be displayed. The computer system and display monitor is shown in FIG. 1.

Claim 21: See remarks for claim 1. Note that the observational information further includes a telephone number, which is indicative of a location.

Claim 22: See remarks for claim 2.

Claim 23: See remarks for claim 3.

Claim 24: See remarks for claim 4.

Claim 25: See remarks for claim 5.

Claim 26: See remarks for claim 6.

Claim 27: See remarks for claim 7.

Claim 30: See remarks for claim 10.

Claim 31: See remarks for claim 11.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. ('444).

Claims 8 and 28 only differ from Kawamura et al. in the type of data that is attributed as being "observational information". However, using "textual construction defect information" in place of names would have been obvious to one of ordinary skill in the art as a choice of design.

Claims 9 and 29 differ in that the observational information is linked to a synthetic image of a building, rather than a photographic image of a building. However, linking the observational information to real, photographic image would have been obvious to one of ordinary skill in the art as a choice of design.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Crooks et al. ('773).

Claim 20: FIG. 18B illustrates separate subcontractor identifiers ("Austin Chili Suites" and "Denver Mountain Suites"). Each subcontractor identifier has trade identifiers (Electric, natural gas, water, sewer). Trade percentages (see pie charts) are assigned to each one of the trade identifiers and are indicative of a cost to complete an outstanding bill for the trade identifier. For example, in FIG. 18B, the figure of 13.6% is indicative of a cost to complete payment for sewer services for a one year period of time. The "defect" can be read as the incurred cost for sewer service, as the defect is not further defined, except that it is associated with some cost.

Remarks

Applicant's arguments focus primarily on the amendment to claims 1, 19 and 21, calling for the observational information to include "defect information". The observational information, along with all of the additional information in the Kawamura et al. reference are used to facilitate inspections (col. 1, line 16). Since an inspection is a task of detecting defects, the observational information of Kawamura et al. reads as "defect information" since it is used in a process of detecting defects.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175